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March 22, 2024

VIA ECF and EMAIL

Hon. Judith C. McCarthy, U.S.M.J.
The Hon. Charles L. Brieant Jr.
Federal Building and United States
Courthouse
300 Quarropas St.
White Plains, New York 10601-4150
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Courtesy Copy To:

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Re: *Baker v. Powell, et al.*, Case No. 7:23-CV-01626 (KMK)(JCM)

Dear Magistrate Judith C. McCarthy:

On behalf of Plaintiff, we are writing to update the Court regarding the status of Defendant Powell's document production and hit report.

During the March 18th status conference, the Court directed Defendant Powell to produce documents and a hit report by the end of this week as Plaintiff is entitled to be in possession of documents prior to Defendant Powell's deposition on March 26th. Plaintiff has not yet received a hit report or document production from Defendant Powell. Defendant Powell's counsel indicated that he will be producing a hit report on March 25th but Plaintiff has not received a firm date as to when he will be producing documents. As a result, Plaintiff has postponed Defendant Powell's deposition and has not yet received alternative dates of availability from Defendant Powell.

It is becoming less realistic that depositions will be completed by the April 11, 2024 fact discovery deadline because substantial document production remains outstanding. Accordingly, Plaintiff requests a conference with the Court on March 27th at 11 a.m., or at another time preferable to the Court, to discuss these issues and seek the Court's guidance on how to proceed under the current Scheduling Order.

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